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Attorneys for Defendants  
 GUIDANT CORPORATION, GUIDANT SALES  
 CORPORATION, CARDIAC PACEMAKERS, INC.,  
 and BOSTON SCIENTIFIC CORPORATION

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 (SAN JOSE DIVISION)

ALFRED MARTINEZ and IRO TSAKOYIAS, )  
 individually and as successor in interest to )  
 decedent, ERNEST TSAKOYIAS )

Plaintiffs,

v.

GUIDANT CORPORATION; GUIDANT )  
 SALES CORPORATION; CARDIAC )  
 PACEMAKERS, INC.; BOSTON SCIENTIFIC )  
 CORPORATION; PERMANENTE MEDICAL )  
 GROUP, INC.; and Does 1 through 100, )  
 inclusive, )

Defendants.

Case No. 06-CV-05244 JW

**STIPULATION AND [PROPOSED]  
 ORDER TO CONTINUE PRETRIAL  
 DEADLINES**

IT IS HEREBY STIPULATED by and between the parties through their designated counsel that all pretrial proceedings, including the December 11, 2006 case management conference, as well as Defendants Guidant Corporation, Guidant Sales Corporation, Cardiac Pacemakers, Inc., and Boston Scientific Corporation's (collectively "Guidant") deadline to answer or otherwise respond to Plaintiffs' complaint, be continued.

1 Guidant contends a continuation of pretrial deadlines is appropriate because this action  
2 should be transferred to the District of Minnesota and consolidated with *In Re Guidant Corp.*  
3 *Implantable Defibrillators Products Liability Litigation*, MDL-1708, for pretrial proceedings.

4 On October 6, 2006, the Judicial Panel on Multidistrict Litigation ("JPML") issued  
5 Conditional Transfer Order ("CTO") 19, which conditionally transfers this case to the District of  
6 Minnesota for inclusion in the coordinated multidistrict litigation proceedings under 28 U.S.C. §  
7 1407 being conducted by the Honorable Donovan W. Frank ("MDL Court").

8 On October 17, 2006, this Court heard oral argument on Plaintiffs' motion to remand this  
9 case to state court and took the matter under submission.

10 On November 1, 2006, Plaintiffs filed a Motion and Brief to Vacate CTO 19 with the JPML.  
11 Defendants filed their opposition brief on November 22, 2006.

12 The parties expect that Plaintiffs' Motion to Vacate CTO 19 will be considered by the JPML  
13 at a hearing session that will likely be held late January 2007. Plaintiffs agree to notify this Court of  
14 the date of the hearing session when it is set.

15 The parties agree that this case will not remain in this Court.

16 IT IS SO STIPULATED that all pretrial deadlines are continued.

17  
18 DATED: November 27, 2006

Respectfully submitted,

SHOOK, HARDY & BACON L.L.P.

By:

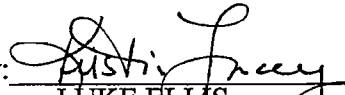
  
DAN N. GWALTNEY  
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Attorneys for Defendants  
GUIDANT CORPORATION, GUIDANT SALES  
CORPORATION, CARDIAC PACEMAKERS, INC.  
and BOSTON SCIENTIFIC CORPORATION

1 DATED: November 27, 2006

Respectfully submitted,

2 GILLIN, JACOBSON, ELLIS & LARSEN

3  
4 By:   
LUKE ELLIS  
KRISTIN LUCEY

5  
6 Attorneys for Plaintiffs  
ALFRED MARTINEZ and IRO TSAKOYIAS,  
7 individually and as successor in interest to decedent,  
ERNEST TSAKOYIAS

8  
9 **ORDER**

10 Pursuant to stipulation, IT IS SO ORDERED.

11  
12 Dated: November 28, 2006

  
THE HONORABLE JAMES WARE